

No. 9/6/86-6-Lab/9312.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer Labour Court, Ambala in respect of the dispute between the workman and the management of M/s Shree Hanuman Metal Industries, Jagadhri.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Reference No. 414 of 1985

(Old No. 24 of 1983)

between

SHRI BASANT C/O BALBIR SINGH, H. NO. 135-A, MODEL TOWN, YAMUNA NAGAR,
AND THE MANAGEMENT OF THE MESSRS SHREE HANUMAN METAL INDUSTRIES,
JAGADHRI

Present.—

Shri Surinder Sharma for workman.

Shri S. Bindra for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred,—*vide* clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 referred dispute between Shri Basant and Messrs Shree Hanuman Metal Industries, Jagadhri to Labour Court, Faridabad. The terms of the reference are as under:

Whether termination of services of Shri Basant, was justified and in order ? If not, to what relief is he entitled ?

On constitution of Labour Court at Ambala in April 1984, so this reference was received by transfer.

Workman through his demand notice alleged that he had been working in the service of respondent-management for the last more than five years. His services were terminated on 20th June, 1982 in violation of section 25 (F) of Industrial Disputes Act, 1947. He has prayed for his reinstatement with continuity in service and with full back wages.

Respondent-management was served. It contested the reference refuting the allegations of the workman.

On the pleadings of the parties the following issues were framed:

Issue No. 1

As per reference.

Shri S. Bindra withdrew himself on the plea that he has no instruction to appear on behalf of respondent-management. Thereafter fresh notices were issued which were refused by the respondent. *Ex parte* proceedings were taken up workman examined himself in *Ex parte* evidence. He deposed that he served the respondent-management for five years. His services were terminated without issuing any notice and without making payment of any retrenchment compensation.

I have heard Shri Surinder Kumar Sharma and have pursued the *Ex parte* evidence led by the applicant and of the considered view that applicant served the respondent-management. His services were terminated without any notice, without making payment of any pay, in lieu of, notice period. No retrenchment compensation was paid to the workman. Respondent-management firstly, contested the reference, thereafter its Authorised Representative withdrew himself from the contest.

Fresh notices were issued but those were not accepted by the respondent-management, so *ex parte* proceedings were taken up. In these circumstances I hold that applicant remained in the employment of respondent-management more than 240 days. His services were terminated in utter violation of section 25 (F) of Industrial Disputes Act, 1947. So workman is entitled to reinstatement with continuity in service and with full back wages, so I pass award regarding the dispute between the parties accordingly.

Dated, the 4th September, 1986,

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

Endorsement No. 2286, dated the 8th September, 1986.

Forwarded (four copies), to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

No. 9/6/86-6 Lab./9315.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s (i) P. K. Sagar, Contractor, Bailing Saw Mills, Ballarpur Industries Ltd., Unit Shree Gopal Yamuna Nagar (ii) Vidyadhar Mishar and Shankar Tiwari Contractor, Bailing Board, Saw Mills, Ballarpur Industries Ltd., Unit Shree Gopal, Yamuna Nagar.

IN THE COURT OF SHRI V. P. CHAUDHRY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Reference No. 367 of 1984

Reference No. 18 of 1986

between

SHRI BARU RAM C/O SHRI BALBIR SINGH, 126, LABOUR COLONY, YAMUNA NAGAR AND THE MANAGEMENT OF THE MESSRS P. K. SAGAR CONTRACTOR, BAILING BOARD SAW MILLS, BALLARPUR INDUSTRIES LTD., UNIT SHREE GOPAL, YAMUNA NAGAR (II) VIDYADHAR MISHAR AND THE SHANKER TIWARI, CONTRACTOR. BAILING BOARD SAW MILLS, BALLARPUR INDUSTRIES LTD., UNIT SHREE GOPAL, YAMUNA NAGAR.

Present :—

Non for workman.

Shri Surinder Sharma for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred,—*vide* clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 referred dispute between Shri Baru Ram and Messrs P. K. Sagar etc. to this Court. The terms of the reference are as under: —

“Whether termination of services of Shri Baru Ram, was justified and in order, if not to what relief is he entitled ?”

Workman alleged that he was in the employment of Respondent-Management, his services were terminated in violation of section 25 (F) of Industrial Disputes Act, 1947. No further prayed that he be got reinstated with continuity in service and with full back wages.

Notices were served upon the Respondents. Respondent No. 1 was given up. Respondent No. 2 contested the claim of the workman contending that workman is not entitled to relief claimed for. It was also contended that respondent's firm does not exist. So workman has no right of relief against the firm which does not exist.

On the pleadings of the parties the following issues framed:

Issues:

1. Whether termination of services of workman is unjust and illegal, if so its effect?
2. Whether respondent's firm does not exist, if so its effect?
3. Relief.

The reference was posted for workman evidence. But today neither workman nor his A. R. appeared. Shri Balbir Singh despatched on Anil Kumar to respondent him. But Shri S. Sharma pointed out that either workman should have come in person or Shri Balbir Singh and Shri Anil Kumar must have been authorised by the workman to appear in court and contest his case. There is no authority letter, in favour of Shri Balbir Singh, so he also cannot represent the claim of the workman. Nor he can authorise Shri Anil Kumar to appear on his behalf and on behalf of workman.

Keeping in view of the above prayer of Shri S. Sharma I have no other alternative but to dismiss the case. Accordingly, the reference is dismissed in default.

Dated, the 17th September, 1986.

V. P. CHAUDHRY,
Presiding Officer,
Labour Court, Ambala.

Endorsement No. 2407, dated the 22nd September, 1986.

Forwarded (four copies), to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the J. D. Act, 1947.

V. P. CHAUDHRY,
Presiding Officer,
Labour Court, Ambala.

No. 9/6/86-6Lab./9386.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala; in respect of the dispute between the workman and the management of (i) State Transport Controller, Haryana, Chandigarh (ii) General Manager, Haryana Roadways, Yamuna Nagar.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Reference No. 12 of 1985

between

SHRI BANARSI DASS, WORKMAN, C/O SHRI KARTAR SINGH, VILLAGE RAMPUR, P.O. LOSIBALI, DISTT. PATIALA AND THE MANAGEMENT OF THE (i) STATE TRANSPORT CONTROLLER HARYANA, CHANDIGARH (ii) GENERAL MANAGER, HARYANA ROADWAYS, YAMUNA NAGAR.

Present :—

Shri Rajeshwar Nath for the workman.
Shri Rama Kant for the Respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred,—*vide* clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 referred dispute between Shri Banarsi Dass, workman and Messrs G.M., Haryana Roadways, Yamuna Nagar etc. to this court. The terms of the reference are as under :—

“Whether termination of services of Shri Banarsi Dass, workman, is justified and correct, if not to what relief is he entitled ?”

Workman alleged that he had been serving the respondent-management as a helper since 1st January, 1977. He was posted at Naraingarh sub-depot from there he was transferred to Yamuna Nagar with effect from 23rd November, 1979. Thereafter, his services were illegally terminated on 20th February, 1980 in violation of section 25 (F) of Industrial Disputes Act, 1947. He prayed for his reinstatement with continuity in service and with full back wages.

Respondent-management appeared. It contested the dispute and contended that workman submitted his joining report on 12th August, 1986 afternoon the same was accepted by works Manager. Applicant was allowed to join duty with effect from 12th August, 1986 but the applicant did not turn up on 13th August, 1986 to resume his duty. So he was marked absent. On 14th August, 1986 applicant was directed to report for duty to Works Manager, Haryana Roadways, Yamuna Nagar through registered post but the applicant failed to report on duty on 9th September, 1986. He was again informed about his absence from his duty from that very day up till the day of filing written statement the workman has been absenting from his duty. It was further contended that the services of workman were not terminated by the Respondent-Management.

During the pendency of the trial of this dispute parties reached at an amicable settlement workman has been taken on duty with the relief of continuity in service, while his back wages were not allowed for the period during which he never discharged any official duties. Workman was also given a right that he should apply to General Manager regarding his payment of his pending dues if the Department fails to make payment of his legal dues, in those circumstances he shall have right to come to court for those reliefs.

In view of the above compromise workman has been taken in services with the relief of continuity in service except back wages, so I pass award regarding the dispute between the parties accordingly.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

Dated, the 30th September, 1986.

Endst. No. 2442, dated 30th September, 1986.

Forwarded, (four copies), to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

No. 9/6/86-6Lab./9390.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s Secretary, Haryana State Agricultural Marketing Board, Sector 6, Panchkula.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, AMBALA

Reference No. 193 of 1985

between

SHRI BALBIR SINGH, SON OF SHRI UDAM SINGH C/O SHRI JANAK RAJ SHARMA, OPPOSITE BANK OF BARODA, COURT ROAD, AMBALA CITY AND THE MANAGEMENT OF THE MESSRS SECRETARY, HARYANA STATE AGRICULTURAL MARKETING BOARD, SECTOR-6, PANCKULA,

Present :—

Shri Janak Raj Sharma, for workman.

Shri P. C. Vatrana, for respondent

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred,—*vide* clause (C) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 referred dispute between Shri Balbir Singh and Messrs Haryana State Agricultural Marketing Board, Panchkula to this Court. The terms of the reference are as under:—

Whether termination of services of Shri Balbir Singh, is justified and correct, if not to what relief is he entitled?

Workman alleged that he was in the service of respondent-management for the last more than 240 days. His services were terminated in violation of provisions of section 25 (F) of Industrial Disputes Act, 1947. He prayed for his reinstatement with continuity in service and with full back wages.

Respondent-Management contested the dispute and contended that respondent-management is not an industry. So it does not come in the definition of industry, hence the workman cannot redress any relief from this court. It was also contended that workman was appointed on three months basis. As soon as the service period of the workman came to an end his services stood automatically terminated. It was also contended that workman never remained in the service of respondent-management either for 240 days or more than 240 days.

Workman filed replication through which he controverted the allegations of respondent-management.

On the pleadings of the parties the following issues were framed:

Issues

1. Whether termination order regarding services of workman, is justified and correct, if not to what relief is he entitled? OPM
2. Whether dispute is not covered in the definition of industry ? OPM
3. Whether applicant is not an workman as defined in Industrial Disputes Act, 1947.
4. Whether applicant was employed on contractual basis, if so its effect ? OPM
5. Relief.

Management in support of its case examined Shri P. C. Sharma closed its evidence. Reference was fixed for evidence of the workman. At this stage parties arrived at a compromise. Shri P. C. Vatrana made statement that respondent-management is willing to take back the workman in service and shall also make the payment of retrenchment compensation from the date of appointment till the day of termination as per rules, in other words 15 days wages. He also stated that benefit of continuity in service shall be given but no back wages shall be paid to the workman.

This statement of A. R. of management has been accepted by the workman and his A. R.

In view of the above compromise arrived at between the parties I order that the workman be taken in service on or before 1st October, 1986. Retrenchment compensation be paid in due course. Workman shall be entitled to the benefit of continuity in service, however workman shall not be entitled to the back wages of the period during which he remained out of job and employment of the respondent-management as per the compromise arrived at between the parties. I pass award regarding the dispute between the parties accordingly.

V. P. CHAUDHARY,

Dated, the 25th September, 1986.

Presiding Officer,
Labour Court,
Ambala.

Endst. No. 2475, dated 29th September, 1986.

Forwarded (four copies), to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court,
Ambala.

No. 9/6/86-6Lab./9391.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s (i) Transport Commissioner, Haryana, Chandigarh; (ii) General Manager, Haryana Roadways, Yamuna Nagar.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, AMBALA

• Reference No. 166 of 1985

between

SHRI SUMER CHAND, WORKMAN C/O SHRI BALBIR SINGH, H. No. 126, LABOUR COLONY, YAMUNA NAGAR AND THE MANAGEMENT OF THE MESSRS TRANSPORT COMMISSIONER, HARYANA, CHANDIGARH; (II) GENERAL MANAGER, HARYANA ROADWAYS, YAMUNA NAGAR

Present :—

None for workman.

Shri Pritam Singh for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred,—*vide* clause (C) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 referred dispute between Shri Sumer Chand and Messrs General Manager, Haryana Roadways, Yamuna Nagar etc. to this Court. The terms of the reference are as under :—

"Whether termination of services of Shri Sumer Chand, is justified and correct ? If not, to what relief is he entitled?"

Workman alleged that he was employed as a Sweeper at the monthly wages of Rs. 445. His services were terminated on 1st October, 1984 in violation of section 25 (F) of Industrial Disputes Act, 1947. He prayed for his reinstatement with continuity of service and with full back wages.

Respondent-Management contested the dispute and contended that Sumer Chand was employed on daily wages for a specific period. As soon as the period of employment expired his services came to an end automatically, and there is no question of any termination in violation of section 25 (F) of Industrial Disputes Act, 1947 regarding the services of the workman.

On the pleadings of the parties the following issues were framed:

Issues

1. Whether termination order regarding the services of Sumer Chand dated 1st October, 1984 is according to law if not, its effect?
2. Relief

Management in support of its case examined MW-I who supported the case of the defendant. Thereafter; the reference was posted for evidence of workman, but neither workman nor his A. R. appeared, so the reference is dismissed in default.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

Dated the 17th September, 1986.

Endst. No. 2383, dated the 19th September, 1986.

Forwarded (four copies), to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

No. 9/6/86-6Lab./9392.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s (i) P. K. Sagar, Contractor Bailing Saw Mills, Ballarpur Industries Ltd., Unit Shree Gopal, Yamuna Nagar; (ii) Vidyadhar Mishar and Shanker Tiwari, Contractor, Bailing Board, Saw Mills, Ballarpur Industries Ltd., Unit Shree Gopal, Yamuna Nagar.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Mixe No. 26 of 1986

Reference No. 363 of 1984

between

SHRI DISHAW DEV, WORKMAN AND THE MANAGEMENT OF THE M/S P. K. SAGAR
CONTRACTOR, BAILING BOARD SAW MILLS BALLARPUR INDUSTRIES
LTD., UNIT SHREE GOPAL, YAMUNA NAGAR, (ii) VIDYADHAR
MISHAR AND THE SHANKER TIWARI CONTRACTOR, BAILING
BOARD SAW MILLS BALLARPUR INDUSTRIES LTD., UNIT
SHREE GOPAL, YAMUNA NAGAR

Present :

None for workman.

Shri Surinder Sharma for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of the powers conferred,—*vide* clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 referred dispute between Shri Bishav Dev and Messrs P. K. Sagar etc., to this Court. The terms of the reference are as under :

"Whether termination of services of Shri Bishav Dev was justified and in order, if not, to what relief is he entitled?"

Workman alleged that he was in the employment of Respondent-management. His services were terminated in violation of section 25(F) of Industrial Disputes Act, 1947. He further prayed that he be got reinstated with continuity in service and with full back wages.

Notices were served upon the Respondents. Respondent No. 1 was given up. Respondent No. 2 contested the claim of the workman contending that workman is not entitled to relief claimed for. It was also contended that respondent firm does not exist. So workman has no right of relief against the firm which does not exist.

On the pleadings of the parties the following issues were framed :

Issues :

1. Whether termination of services of workman is unjust and illegal, if so, its effect ?
2. Whether respondent's firm does not exists, if so, its effect ?
3. Relief.

The referee was posted for workman evidence. But today neither workman nor his A. R. appeared. Shri Balbir Singh dispatched one Anil Kumar to represent him. But Shri S. Sharma pointed out that either workman should have come in person or Shri Balbir Singh and Shri Anil Kumar must have been authorised by the workman to appear in court and contest his case. There is no authority letter, in favour of, Shri Balbir Singh, so he also cannot represent the claim of the workman. Nor he can authorise Shri Anil Kumar to appear on his behalf and on behalf of workman.

Keeping in view of the above prayer of Shri S. Sharma I have no other alternative but to dismiss the case. Accordingly the reference is dismissed in default.

Dated 17th September, 1986.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

Endorsement No. 2394, dated 19th September, 1986

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

No. 9/6/86-6Lab./9393.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s. (i) P. K. Sagar Contractor Bailing Saw Mills, Ballarpur Industries Ltd., Unit Shri Gopal, Yamuna Nagar, (ii) Vidyadhar Mishar and Shanker Tiwari Contractor, Bailing Board, Saw Mills, Ballarpur Industries Ltd., Unit Shree Gopal, Yamuna Nagar.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Reference No. 366 of 1984

Old No. 292 of 1983

Mixe. No. 21 of 1986

between

SHRI JEET SINGH, WORKMAN C/O SHRI BALBIR SINGH 126 LABOUR COLONY,
YAMUNA NAGAR AND THE MANAGEMENT OF THE MESSRS P. K. SAGAR
THEKEDAR BAILING BOARD SAW MILLS, BALLARPUR INDUSTRIES LTD., UNIT
SHRI GOPAL, YAMUNA NAGAR. (II) VIDYADHAR MISHAR AND SHANKER TIWARI
CONTRACTOR, BAILING BOARD SAW MILLS, BALLARPUR INDUSTRIES LTD.,
UNIT SHREE GOPAL, YAMUNA NAGAR

Present:—

None for the workman.

Shri Surinder Kumar Sharma, for the respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred—*vide* clause (C) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 referred dispute between Shri Jeet Singh and Messrs P. K. Sagar etc. to this court. The term of the reference are as under:—

“Whether termination of services of Shri Jeet Singh, was justified and in order ? If not, to what relief is he entitled?”

Workman alleged that he was in the employment of Respondent-management, his service were termination in violation of section 25(F) of Industrial Disputes Act, 1947. He further prayed that he be got reinstated with continuity in service and with full back wages.

Notices were served upon the respondents. Respondent No. 1 was given up. Respondent No. 2 contested the claim of the workman contending that workman is not entitled to relief claimed for. It was also contended that respondent firm does not exist so workmen has no right of relief against the firm which does not exist.

On the pleadings of the parties the following issues were framed.

Issues :

1. Whether termination of services of workman is unjust and illegal, if so, its effect ?
2. Whether respondent's firm does not exist, if so, its effect ?
3. Relief.

The reference was posted for workman evidence. But today neither workman nor his A. R. appeared. Shri Balbir Singh despatched one Anil Kumar to represent him. But Shri S. Sharma pointed out that either workman should have come in person or Shri Balbir Singh and Shri Anil Kumar must have been authorised by the workman to appear in court and contest his case. There is no authority letter, in favour of Shri Balbir Singh, so he also cannot represent the claim of the workman. Nor he can authorise Shri Anil Kumar to appear on his behalf and on behalf of workman.

Keeping in view of the above prayer of Shri S. Sharma I have no other alternative but to dismiss the case. Accordingly the reference is dismissed in default.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

Dated the 17th September, 1986.

Endst. No. 2391, dated the 19th September, 1986.

Forwarded (four copies), to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.

No. 9/6/86-6Lab./9395.—In pursuance of the Provision of Section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala in respect of the dispute between the workman and the management of (i) P. K. Sagar Contractor Bailing Saw Mills Ballarpur Industries Ltd., Unit Shree Gopal, Yamuna Nagar (ii) Nidydhar Mishra and Shanker Tiwari Contractor, Bailing Board, Saw Mills Ballarpur Industries Ltd. Unit Shree Gopal Yamuna Nagar.

**IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT
AMBALA**

Ref. No. 365 of 1984

Old No. 293 of 1983

Misc. No. 23 of 1986

between

SHRI HARIVANSH WORKMAN C/O SHRI BALBIR SINGH 126 LABOUR COLONY,
YAMUNA NAGAR AND THE MANAGEMENT OF THE MESSRS P. K. SAGAR CON-
TRACTOR BAILING BOARD SAW MILLS BALLARPUR INDUSTRIES LTD. UNIT
SHREE GOPAL YAMUNA NAGAR (II) VIDYADHAR MISHRA AND SHANKER TIWARI
CONTRACTOR, BAILING BOARD SAW MILLS BALLARPUR INDUSTRIES LTD.,
UNIT SHREE GOPAL, YAMUNA NAGAR.

Present:

Shri Surinder Sharma for respondent,

None for workman,

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred,—*vide* clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 referred dispute between Shri Harivansh and Messrs P.K. Sagar etc. to this Court. The terms of the reference are as under :

"Whether termination of services of Shri Harivansh was justified and in order, if not, to what relief is he entitled?"

Workman alleged that he was in the employment of the Respondent-Management, his services were terminated in violation of section 25 (F) of the Industrial Disputes Act, 1947. He further prayed that he be got reinstated with continuity in service and with full back wages.

Notices were served upon the respondents. Respondent No. 1 was given up. Respondent No. 2 contested the claim of the workman contending that workman is not entitled to relief claimed for. It was also contending that respondent's firm does not exist. So workman has no right of relief against the firm which does not exist.

On the pleadings of the parties the following issues were framed :

Issues

1. Whether termination of services of workman is unjust and illegal, if so; its effect?
2. Whether respondent's firms does not exist, if so, its effect?
3. Relief.

The reference was posted for workman evidence. But today neither workman nor his A.R. appeared. Shri Balbir Singh despatched one Anil Kumar to represent him. But Shri S. Sharma, pointed out that either workman should have come in person or Shri Balbir Singh and Shri Anil Kumar must have been authorised by the workman to appear in court and contest his case. There is no authority letter, in favour of, Shri Balbir Singh, so he also cannot represent the claim of the workman. Nor he can authorise Shri Anil Kumar to appear on his behalf and on behalf of workman.

Keeping in view of the above prayer of Shri S. Sharma I have no other alternative but to dismiss the case. Accordingly the reference is dismissed in default

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

Endst. No. 2392, dated 19th September, 1986

Forwarded (Four Copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court Ambala.

No. 9/6/86-6Lab./9398.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of the Secretary, Haryana State Agricultural Marketing Board, Sector 6, Panchkula.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Reference No. 186 of 1985
between

SHRI SURINDER SINGH, S/O SHRI SHISH RAM, VILLAGE JULLANI, TEH. AND
DISTT. JIND, AND THE MANAGEMENT OF THE SECRETARY
HARYANA STATE AGRICULTURAL MARKETING BOARD,
SECTOR-6, PANCHKULLA.

Present :

Shri Janak Raj Sharma for the workman.

Shri P. C. Vatrana for respondent.

AWARD

The Hon'ble Governor of Haryana in the exercise of powers conferred,—*vide* clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 referred dispute between Shri Surinder Singh and Messrs Haryana State Agricultural Marketing Board, Panchkulla to this court. The terms of the reference are as under:

“Whether termination of services of Shri Surinder Singh is justified and correct, if not to what relief is he entitled ?”

Workman alleged that he was in the service of Respondent Management for the last more than 240 days. His services were terminated in violation of provisions section 25 (F) of Industrial Disputes Act, 1947. He prayed for his reinstatement with continuity in service and with full back wages.

Respondent Management contested the dispute and contended that respondent-management is not an industry. So it does not come in the definition of industry, hence the workman cannot redress any relief from this court. It was also contended that workman was appointed on three months basis. As soon as the service period of the workman came to end his services stood automatically terminated. It was also contended that workman never remained in service of respondent-management either for 240 days or more than 240 days.

Workman filed replication through which he controverted the allegations of the respondent-management.

On the pleadings of the parties the following issues were framed:

Issues:

1. Whether termination order regarding services of workman is justified and correct, if not to what relief is he entitled? OPM
2. Whether dispute is not covered in the definition of industry? OPM
3. Whether applicant is not a workman as defined in Industrial Disputes Act, 1947? OPM
4. Whether applicant was employed on contractual basis? if so its effect? OPM
5. Relief.

Management in support of its case examined Shri P. C. Sharma closed its evidence. Reference was fixed for evidence of the workman. At this stage parties arrived at an compromise Shri P. C. Vatrana made statement that respondent-management is willing to take back the workman in service and shall also make payment of retrenchment compensation from the date of appointment till the day of termination as per rules, in other words 15 days wages. He also stated that benefit of continuity in service shall be given but no back wages shall be paid to the workman.

This statement of A. R. of Management has been accepted by the workman and his A. R.

In view of the above compromise arrived at between the parties. I order that the workman be taken in service on or before 1st October, 1986. Retrenchment compensation be paid in due course. Workman shall be entitled to the benefit of continuity in service, however workmen shall not be entitled to the back wages of the period during which he remained out of job and employment of the respondent-management as per the compromise arrived at between the parties. I pass award regarding the dispute between the parties accordingly.

V. P. CHAUDHARY,

Dated the 25th September, 1986.

Presiding Officer,
Labour Court, Ambala.

Endst. No. 2476, dated 29th September, 1986.

Forwarded (four copies) to the Financial Commissioner & Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of Industrial Dispute Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.